

John G. McCarthy (JM-2635)
BAINTON McCARTHY LLC
Attorneys for Plaintiff
English Boiler & Tube Inc.
26 Broadway, Suite 2400
New York, New York 10004
(212) 480-3500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ENGLISH BOILER & TUBE, INC., :
 : 08 Civ. 3605 (JGK)
Plaintiff, : ECF Case
 :
- against - : **CERTIFICATE OF SERVICE**
 : **OF ORDER TO SHOW CAUSE**
OPTIMIRA ENERGY, INC., :
 :
Defendant. :
-----X

MICHAEL T. ROUSSEL, pursuant to 28 U.S.C. § 1746, certifies:

1. I am a legal assistant with the law firm of Bainton McCarthy LLC, attorneys for the plaintiff, am over eighteen years of age and reside in Richmond County, New York.
2. After service of process in this case, Mr. David Fuselier contacted our firm and identified himself as the Chief Executive Officer of Optimira Energy, Inc.
3. During e-mail correspondence with our firm, Mr. Fuselier copied Robert L. Mazzeo, Esq., an attorney with the law firm of Mazzeo Song & Bradham LLP.
4. On June 16, 2008, I served a true and correct copy of the Order to Show Cause for Default Judgment dated June 11, 2008, and the papers on which it was based, via e-mail, return receipt requested, upon Mr. Fuselier (david.fuselier@fuselierco.com) and Mr. Mazzeo (rmazzeo@mazzeosong.com).

5. A true and correct copy of the e-mail and the return receipt confirmations for both Mr. Fuselier and Mr. Mazzeo are attached hereto as Exhibit A.

6. Attached hereto as Exhibit B is an e-mail from Mr. Fuselier replying to and acknowledging receipt of my June 16, 2008 e-mail, and to which Mr. Fuselier copied Mr. Mazzeo and Peter Katzman, who appears to be another attorney at Mr. Mazzeo's firm.

7. On June 16, 2008, I also served true and correct copies of the Order to Show Cause for Default Judgment, and the papers on which it was based, via FedEx Priority Overnight mail and via first-class mail addressed as follows:

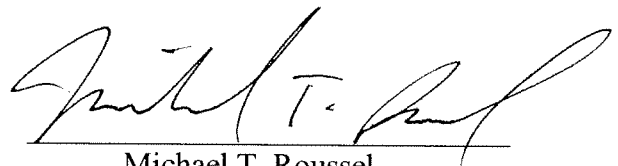
David Fuselier
60 East 42nd Street
New York, New York 10165

Robert L. Mazzeo, Esq.
Mazzeo Song & Bradham LLP
708 Third Avenue, 19th Floor
New York, New York 10017

8. A true and correct copy of the FedEx delivery report for both Mr. Fuselier and Mr. Mazzeo are attached hereto as Exhibits C and D, respectively.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on June 23, 2008.



Michael T. Roussel

Michael T. Roussel

From: Michael T. Roussel
Sent: 2008-06-16 14:17
To: 'david.fuselier@fuselierco.com'; 'rmazzeo@mazzeosong.com'
Cc: Mark D. Wessel; John G. McCarthy
Subject: English Boiler & Tube, Inc. v. Optimira Energy, Inc.
Importance: High
Attachments: 2008-06-11 OSC for Default Judgment & JGM Declaration.PDF

Tracking:	Recipient	Delivery	Read
	'david.fuselier@fuselierco.com'		
	'rmazzeo@mazzeosong.com'		
	Mark D. Wessel	Delivered: 2008-06-16 14:17	Read: 2008-06-16 14:21
	John G. McCarthy	Delivered: 2008-06-16 14:17	

Gentleman:

Attached please find the endorsed Order to Show Cause for Default Judgment.

Michael T. Roussel
Legal Assistant
Bainton McCarthy LLC
26 Broadway, Suite 2400
New York, New York 10004
P- 212.480.3500
F- 212.480.9557
mrroussel@baintonlaw.com

2008-06-16

Michael T. Roussel

From: David Fuselier [david.fuselier@fuselierco.com]
Sent: 2008-06-16 14:34
Subject: Read: English Boiler & Tube, Inc. v. Optimira Energy, Inc.

Your message was read on Monday, June 16, 2008 2:34:28 PM (GMT-05:00) Eastern Time (US & Canada).

Michael T. Roussel

From: Robert Mazzeo [RMazzeo@mazzeosong.com]
To: Michael T. Roussel
Sent: 2008-06-16 14:19
Subject: Read: English Boiler & Tube, Inc. v. Optimira Energy, Inc.

Your message was read on Monday, June 16, 2008 2:18:50 PM (GMT-05:00) Eastern Time (US & Canada).

Michael T. Roussel

From: David Fuselier [david.fuselier@fuselierco.com]
Sent: 2008-06-18 08:42
To: Michael T. Roussel; rmazzeo@mazzeosong.com; Peter Katzman
Cc: Mark D. Wessel; John G. McCarthy
Subject: RE: English Boiler & Tube, Inc. v. Optimira Energy, Inc.

Mike, thanks for sending along the Order. I have asked Bob Mazzeo's firm to discuss with you what we should do about it.

Please accept my apology for not communicating with you more on this issue but I have had some pressing family matters in the past two weeks. It was unintentional.

As I mentioned previously, we would seek to settle this amount outside of the courts as it doesn't help in actually paying for the indebtedness.

We look forward to working with you toward resolution.

From: Michael T. Roussel [mailto:MRoussel@BaintonLaw.com]
Sent: Monday, June 16, 2008 2:17 PM
To: David Fuselier; 'rmazzeo@mazzeosong.com'
Cc: Mark D. Wessel; John G. McCarthy
Subject: English Boiler & Tube, Inc. v. Optimira Energy, Inc.
Importance: High

Gentleman:

Attached please find the endorsed Order to Show Cause for Default Judgment.

Michael T. Roussel
Legal Assistant
Bainton McCarthy LLC
26 Broadway, Suite 2400
New York, New York 10004
P- 212.480.3500
F- 212.480.9557
mroussel@baintonlaw.com

From: Origin ID: SXYA (212)480-3500
 Michael T. Roussel
 Bainton McCarthy LLC
 26 Broadway
 Suite 2400
 New York, NY 10004



CLS853008/2124

SHIP TO: 8667976497

BILL SENDER

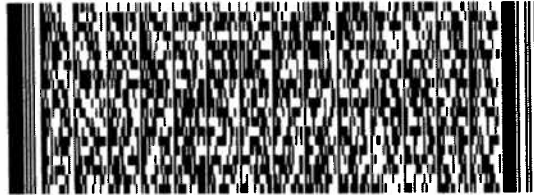
David Fuselier**60 E 42ND ST****NEW YORK, NY 101650006**

Ship Date: 16JUN08
 ActWgt: 1 LB
 System#: 2302822/INET8061
 Account#: S *****

Delivery Address Bar Code



Ref # English Boiler/ Optimira
 Invoice #
 PO #
 Dept #

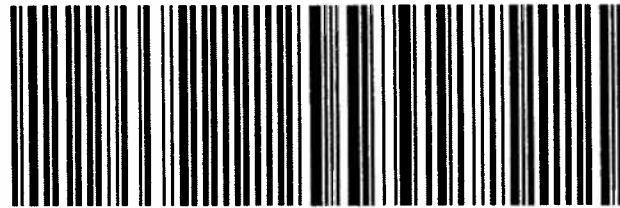


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Memphis, TN 38194-4643
Telephone: 901-369-3600

June 23,2008

Dear Customer:

The following is the proof-of-delivery for tracking number **799339952211**.

Delivery Information:

Status:	Delivered	Delivery location:	NEW YORK, NY
Signed for by:	A.MULLER	Delivery date:	Jun 18, 2008 09:49
Service type:	Priority Envelope		

A handwritten signature in black ink that reads "Muller". The signature is written over a background consisting of a repeating pattern of the FedEx logo in orange and purple.

Shipping Information:

Tracking number:	799339952211	Ship date:	Jun 16, 2008
		Weight:	0.5 lbs.

Recipient:
NEW YORK, NY US

Shipper:
New York, NY US

Reference

English Boiler/ Optimira

Thank you for choosing FedEx Express.

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1.800.GoFedEx 1.800.463.3339

From: Origin ID: SXVA (212)480-3500
Michael T. Roussel
Bainton McCarthy LLC
26 Broadway
Suite 2400
New York, NY 10004



CL5053000/2/1/24

Ship Date: 16JUN08
ActWgt: 1 LB
System#: 2302822/INET8061
Account#: S *****

Delivery Address Bar Code

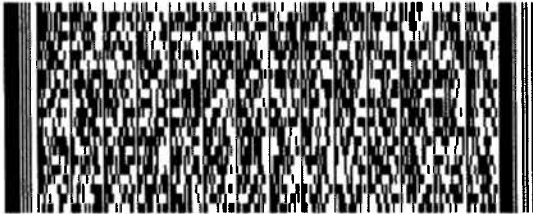


Ref # English Boiler/ Optimira
Invoice #
PO #
Dept #

SHIP TO: 2125990700

BILL SENDER

Robert L. Mazzeo
Mazzeo Song & Bradham LLP
708 3RD AVE FL 19

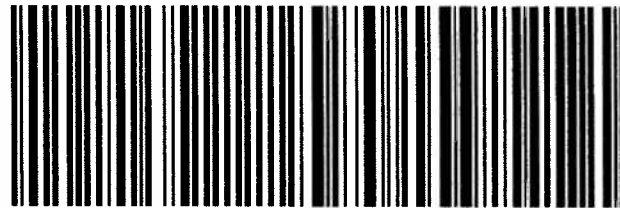
NEW YORK, NY 100174201

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Telephone: 901-369-3600

June 23, 2008

Dear Customer:

The following is the proof-of-delivery for tracking number **791087437986**.

Delivery Information:

Status:	Delivered	Delivery location:	NEW YORK, NY
Signed for by:	P.KATZMAN	Delivery date:	Jun 17, 2008 09:57
Service type:	Priority Envelope		



Shipping Information:

Tracking number:	791087437986	Ship date:	Jun 16, 2008
		Weight:	0.5 lbs.

Recipient:
NEW YORK, NY US

Shipper:
New York, NY US

Reference

English Boiler/ Optimira

Thank you for choosing FedEx Express.

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